

REMARKS

Pending Claims

Claims 1-13 have been amended, and claims 1-13 are currently pending in the above-identified application.

Information Disclosure Statement

Applicants appreciate the Examiner's acknowledgment of the Information Disclosure Statement filed on September 23, 2004.

Interview

Applicants appreciate the granting of an Office Interview on June 2, 2005 by the Examiner, attended by the undersigned attorney. In the Interview, Applicants agreed to submit a corrected sheet of the Drawings that adds a probe washing mechanism 60 in block diagram form to Fig. 4.

Also, Applicants' position as to why claims 1-13 are not rendered obvious by Sakagami in view of Kopf-Sill or Ginsberg was explained in the Interview. Applicants have amended the claims to support the arguments made to distinguish the invention from the prior art of record. An RCE is filed herewith since the claims have been amended. Consideration of

the amended claims and the following arguments is respectfully requested.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show every feature of the invention specified in the claims. Specifically, the Examiner mentions in the Office Action (see page 2, paragraph 1 of the Office Action), that the reagent probe 24a has its inner and outer walls cleaned in a probe cleaning tank, referring to page 12, lines 18-23 of the specification. However, the probe cleaning tank is not shown in the drawings. To overcome the rejection, Applicants submit a Replacement Sheet of the Drawings in which a "probe wash" has been added in block diagram form to Fig. 4, which has been labeled with the reference number 60. The specification has also been amended to set forth the reference number 60 as identifying the probe cleaning tank or probe wash. Accordingly, the Drawings, as amended, support the claimed means for washing the reagent probe.

35 U.S.C. § 112

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. In response, Applicants have amended the claims to set forth that the cross contamination is that which occurs among the reagents. Accordingly, claims 1-13, as amended, comply with 35 U.S.C. § 112, second paragraph and the rejection should be withdrawn.

35 U.S.C. §103(a)

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted state of the art or Sakagami (U.S. Patent No. 4,785,407) in view of Kopf-Sill (U.S. Patent No. 5,590,052) or Ginsberg (U.S. Patent No. 4,276,051). Reconsideration of the rejection is requested in view of the foregoing amendments and for the following reasons.

According to the present invention, the analyzer is provided with functions to set the determination conditions for judging the presence or absence of cross-contamination among the reagents in order to prevent the occurrence of

errors of determination due to cross-contamination occurring among the reagents and the occurrence of errors of determination due to generation of new contamination by variation of the state of the automatic chemical analyzer including the state of the washing means. The analyzer makes judgment on the presence or absence of the-cross-contamination for combinations of the reagents and compares the result with those of previous judgments. When the comparison produces results that differ by more than a certain degree, the user is notified. Without such notification, the user may not be able to determine that such new contamination exists.

In particular, such new contamination may be caused by a malfunction in the analyzer, such as a malfunction in the pipetting probe washing mechanism. See, for example, step S7-3 (Fig. 8) and the description on page 23, lines 7-12 of the specification.

Automatic analyzers of the prior art do not permit a user to determine cross-contamination errors and whether new contamination is causing errors due to variation of the state of the apparatus, including the state of the washing means, as in the present invention. In the prior art, a special testing procedure would be performed to determine if the washing

mechanism were malfunctioning, which leads to inefficiency that is overcome by the present invention. That is, it is possible in the present invention to determine whether a washing apparatus is functioning correctly or not, without performing a special procedure as required in the prior art.

The claimed combination of the invention set forth in claims 1-13 is not rendered obvious by Sakagami in view of Kopf-Sill or Ginsberg, as stated on the record in Applicants response filed November 10, 2004. In particular, Applicants comments are as follows.

Sakagami is relied upon for disclosing an automatic chemical analyzer using cuvettes, wherein after a predetermined maximum number of times that a cuvette is used or when a certain degree of deterioration is detected, the cuvette is removed and replaced with a new cuvette. An output signal of a colorimeter 26 is used to determine the degree of deterioration by comparing the output signal with a threshold level and determining that deterioration has occurred when the threshold level has been exceeded. In Sakagami, there is no comparison between previous and current measurements in the determining of the condition of contamination of the cuvette, as stated in the Office Action.

Kopf-Sill discloses a blood analyzer that includes determining the degradation of a reagent and a cuvette by comparing a currently measured value with a predetermined absorbance limit of contamination. When the measured value exceeds a limit, a warning is produced. Neither Sakagami or Kopf-Sill discloses judging the presence or absence of contamination and memorizing the result of the judgment. Further, neither describes comparing a currently determined judgment result with a previous judgment result to judge whether a state of the apparatus has changed, as claimed by Applicants.

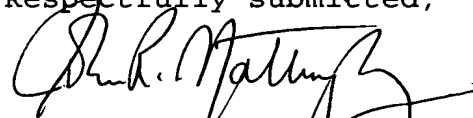
The newly cited reference to Ginsberg et al discloses an automatic analyzer having a wash station including a wash stand 160 that has a plurality of probes 172 that are driven into the cuvettes. Wash fluid and vacuum are applied to the respective probes to wash, exhaust and dry the cuvettes. After this cycle, a blanking solution is injected through a probe into the cuvette and a measurement is taken with photometer 46 to determine if the cuvette has been washed. That is, the measured value of absorbance after washing is compared with that of the absorbance measured before the last test. This procedure is merely concerned with determining

whether the cuvette has been sufficiently washed, and not whether variation of the state of the apparatus, including the state of the washing means, has occurred that would affect judgment on the presence or absence of the cross-contamination among the reagents, for combinations of the reagents, as in the present invention. Accordingly, the combination of Sakagami and Kopf-Sill or Ginsberg et al does not render the invention as claimed obvious under 35 U.S.C. §103(a) and the rejection should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination is requested.

Respectfully submitted,



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